

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM ALVIE MARLOW,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

No. C09-5455 RJB/KLS

ORDER FOR ADDITIONAL BRIEFING

This case was re-referred to United States Magistrate Karen L. Strombom following adoption by the District Court of the Report and Recommendation (Dkt. 27). Accordingly, the parties shall submit briefing on Petitioner's first claim for federal habeas relief based only on the Fifth and Fourteenth Amendments' due process clause and the First Amendment's access to courts clause. Dkt. 29, p. 3. Petitioner's remaining claims (including his first claim based on a Sixth Amendment right to effective assistance of counsel) are not exhausted and were dismissed with prejudice because they are procedurally barred. *Id.*, pp. 3-4.

Accordingly, it is **ORDERED** as follows:

1. Respondents shall file and serve their brief on Petitioner's first claim for relief on or before **November 19, 2010**.

2. Upon receipt of Respondents' brief, the Clerk will note the matter for consideration on the fourth Friday after the brief is filed. Petitioner may file and serve a response to Respondents' brief not later than on the Monday immediately preceding the Friday

1 appointed for consideration of the matter, and Respondents may file and serve a reply brief not
2 later than the Friday designated for consideration of the matter.

3
4 DATED this 4th day of October, 2010.

5
6 
7 Karen L. Strombom
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26